

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 023070086121US

First Inventor Robert Fischer

Title NUCLEIC ACIDS THAT CONTROL SEED AND FRUIT
DEVELOPMENT IN PLANTS

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Express Mail Label No. EL769992769

APPLICATION ELEMENTS

See MPEP chapter 600 concerning design patent application contents.

ADDRESS TO

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
Applicant claims small entity status.
See 37 CFR 1.27.
2. ☒ Specification [Total Pages 45]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
4. ☒ Oath or Declaration [Total Pages 15]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
5. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ paper (number of pages 95)
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement of Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: International Search Report, Statement Under 37 CFR 1.821(e)

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

Prior application information: Examiner A. Mehta

of prior application No: 09 /177,249

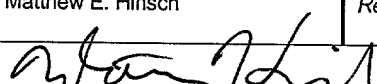
Group / Art Unit: 1638

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 20350 or ☐ Correspondence address below
(Insert Customer No. or Attach bar code label here)

| | | | | | |
|---------|------------------------------------|-----------|----------------|----------|----------------|
| Name | Townsend and Townsend and Crew LLP | | | | |
| Address | | | | | |
| City | | State | | Zip Code | |
| Country | | Telephone | (415) 576-0200 | Fax | (415) 576-0300 |

| | | | |
|-------------------|---|-----------------------------------|----------------|
| Name (Print/Type) | Matthew E. Hinsch | Registration No. (Attorney/Agent) | P-47,651 |
| Signature |  | Date | March 19, 2001 |

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

Complete if Known

| | |
|----------------------|----------------|
| Application Number | |
| Filing Date | March 19, 2001 |
| First Named Inventor | Robert Fischer |
| Examiner Name | |
| Group Art Unit | |
| Attorney Docket No. | 023070086121 |

TOTAL AMOUNT OF PAYMENT (\$) 373.00

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:

- ☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|----------|
| 101 | 710 | 201 | 355 | Utility filing fee | 355.00 |
| 106 | 320 | 206 | 160 | Design filing fee | |
| 107 | 490 | 207 | 245 | Plant filing fee | |
| 108 | 710 | 208 | 355 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |

SUBTOTAL (1)

(\$ 355.00)

2. EXTRA CLAIM FEES

| | | | | | | | | |
|--------------------|----|-------|---|---|---|---|---|-------|
| Total Claims | 22 | -20** | = | 2 | X | 9 | = | 18.00 |
| Independent Claims | 3 | -3** | = | 0 | X | | = | 0 |
| Multiple Dependent | | | | | X | | = | |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------------|-----------------------|----------------------|-----------------------|--|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid |
| 109 | 80 | 209 | 40 | ** Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$ 18.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

| Fee Code | Large Entity Fee (\$) | Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-------------|--------------------------------|-------------|--------------------------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

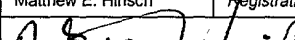
SUBTOTAL (3)

(\$)

The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|---|---------------------------------|----------|-----------|----------------|
| Name (Print/Type) | Matthew E. Hinsch | Registration No. Attorney/Agent | P-47,651 | Telephone | (415) 576-0200 |
| Signature |  | | | Date | March 19, 2001 |

(SF 1202573 v1)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents
Washington, D.C. 20231

On March 19, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Joy M. Marshall

PATENT
Attorney Docket No.: 023070-086121US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fischer, et al.

Application No.:

Filed: March 19, 2001

For: NUCLEIC ACIDS THAT
CONTROL SEED AND FRUIT
DEVELOPMENT IN PLANTS

Box Sequence

Assistant Commissioner for Patents
Washington, D.C. 20231

Examiner: Not Assigned

Art Unit:

STATEMENT UNDER 37 CFR 1.821(e)

Sir:

The computer readable form in this application is identical with that filed in Application No. **09/177,249**, filed October 22, 1998. In accordance with 37 CFR 1.821(e), please use the computer readable form filed in Application No. **09/177,249** as the computer readable form for the instant application. U.S. Patent Application **09/177,249** is the parent application for the instant application. The instant application is a continuation of **09/177,249**.

It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is provided for the convenience of th Examiner

Respectfully submitted,



Matthew E. Hinsch
Reg. No. P-47,651

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200 / Fax: 415-576-0300
MEH:jmm

SF 1202583 v1